

**Application No. 10/553,363
Appeal 2011-003703
AMENDMENT of August 23, 2011
Response to Decision on Appeal of June 23, 2011**

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A fungicidal composition comprising:
 - a) a pyridylmethylbenzamide derivative which is 2, 6-dichloro-N- { [3-chloro-5-(trifluoromethyl)-2- pyridinyl] methyl} benzamide also known as fluopicolide; and
 - b) a chloronitrile derivative which is chlorothalonil; in a fluopicolide/chlorothalonil weight ratio of ~~from 1:20 to 1:1~~ 1/20 to 1/2, inclusive.

2 - 14 (Canceled)

15. (Previously Presented) The composition of claim 1 further comprising a member selected from the group consisting of an agriculturally acceptable support, a carrier, a filler, and a surfactant.

16. (Previously Presented) A method for combating and controlling phytopathogenic fungi of crops comprising applying an effective and non-phytotoxic amount of a composition

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claim 1 to seed, plant and/or to fruit of the plant or to soil in which the plant is growing or in which it is desired to grow.

17. (Previously Presented) The method of claim 16 wherein the plant is selected from the group consisting of potato, vegetables, and lawn.

18 - 22 (Canceled)

23. (Currently Amended) The method of claim 22 16 wherein the phytopathogenic fungus is *Phytophthora infestans*.